



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Kathryn H. Selle, Jr., AELR Committee Counsel
John J. Joyce, AELR Committee Counsel
Kathleen P. Kennedy, AELR Committee Counsel

Date: June 26, 2020

Re: **Synopses of Regulations received from 6/12/2020 through 6/25/2020**

Enclosed please find synopses of regulations received by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

/cr

cc: Jake Weissmann
Alexandra M. Hughes

Natural Resources, Department of

Proposed Regulation

DLS Control No. 20-068

Department of Natural Resources:

Fisheries Service:

Oysters: COMAR 08.02.04.01

According to the department, the purpose of this action is to revise the patent tong line in the Patuxent River. Specifically, the proposed action adds approximately eight acres to the existing patent tong area. The department received a request to change the patent tong line in the lower third of the Patuxent River to include a small area of oyster bottom. The area being added is currently open to harvest by hand tong and by diving. After evaluation, the department concluded to proceed with the request because other gears are allowed in the area and patent tonging occurs broadly over the entire surrounding area. The boundaries of Neal Addition Sanctuary, surrounded by the patent tong area, are not changing.

Proposed Regulation

DLS Control No. 20-072

Department of Natural Resources:

Fisheries Service:

Crabs: COMAR 08.02.03.07

According to the department, the purpose of this action is to relocate the crab pot line at the mouth of Eastern Bay. Currently, the crab pot line at the mouth of Eastern Bay extends from "...Lowe's Point; thence in a straight line in a northwesterly direction to Bloody Point." The proposed action relocates the line to a point on the eastern side of Harbor Cove so that crab pots may be used in the area. This action opens approximately 600 acres to crab pots.

This action is being taken to mitigate the negative impact crab potters have experienced due to the expanded Poplar Island restoration footprint. The Poplar Island restoration project began in 2001 with the goal of restoring 1,140 acres of habitat lost to erosion throughout the early 1900s. The underwater habitat provided by the eroding island is desirable habitat for crabs, making this area very productive for crab potting. In 2007, Congress authorized an expansion of the acreage to 1,715 acres with a 110 acre open water embayment. Due to the restoration and expansion of the island, commercial crabbers have not been able to work roughly 1,825 acres of bottom in this area. During the summer when hypoxia is common in deeper waters, the area where crab potting is suitable becomes condensed closer to the shore line, squeezing crab pot effort into a smaller area, which results in gear interactions. Opening an additional area for crab pots was discussed with crab harvesters. Since the entire area is desirable for use by many crabbers, they recommended moving the line to the point near Harbor Cove. This will allow crabbers to spread out and reduce gear interactions. The proposed action does not expand use of the gear into the tributaries delineated in COMAR 08.02.01.06.

Proposed Regulation

DLS Control No. 20-073

Department of Natural Resources:

Wildlife:

Use of Wildlife Areas: COMAR 08.03.02.28

According to the department, the purpose of this action is to better manage hunter access on the impoundments at Deal Island and Fairmount Wildlife Management Areas. Currently, a lottery system is used to manage the number of hunters who participate only on opening day of the season. The new proposed regulations will apply the lottery system to each day of the duck hunting season thereby reducing hunting pressure, providing better management and improving the experience of the hunters.

The proposed amendments make additional changes to the protocols at the Deal Island Wildlife Management Area and Fairmount Wildlife Management Area impoundments by limiting the number of days that each impoundment will be open during the regular duck hunting season and requiring a permit to hunt. A limited number of permits will be issued on a first-come, first-serve basis at no charge. The regular duck hunting season occurs in three segments; one in October, one in November, and the third in December through January.

The Wildlife Advisory Commission supported the proposed regulations at their teleconference meeting in April 2020.

Environment, Department of the

Proposed Regulation

DLS Control No. 20-063

Department of the Environment:

Air Quality:

Architectural and Industrial Maintenance (AIM) Coatings:

COMAR 26.11.41.01 - .07

According to the department, the purpose of this action is to propose new Regulations .01 to .07 under new chapter COMAR 26.11.41 Control of Methane Emissions from the Natural Gas Industry. Methane emissions from the natural gas industry account for approximately 30 percent of all methane emissions generated in Maryland. This action establishes requirements to reduce vented and fugitive emissions of methane from both new and existing natural gas facilities.

Transportation, Department of

Proposed Regulation

DLS Control No. 20-064

Department of Transportation:

Motor Vehicle Administration – Vehicle Registration:

Effect of Parking and Traffic Control Device Violations on Vehicle Registrations:

COMAR 11.15.21.01-.02

According to the department, the purpose of this action is to update the definition of a Chronic Offender, to remove an obsolete authority, and to correct misused language pursuant to the passage of Chapter 39 (HB 46) and Chapter 40 (SB 177), Acts of 2020.

Proposed Regulation

DLS Control No. 20-074

Department of Transportation:

Motor Vehicle Administration–Driver License and Identification Card:

Point System: Definition of Moving Violation and Assessment of Points:

COMAR 11.17.13.02

According to the department, the purpose of this action is to amend regulations to correct and add moving violations that will result in a one point assessment on an individual's driving record upon conviction pursuant to the passage of Chapter 622 (HB 1493) and Chapter 623 (SB 878), Acts of 2020.

Proposed Regulation

DLS Control No. 20-075

Department of Transportation:

Motor Vehicle Administration – Administrative Procedures:

Expungement of Public Motor Vehicle Administration Records:

COMAR 11.11.16.02

According to the department, the purpose of this action is to clarify procedures for the Motor Vehicle Administration to automatically expunge the public driving record of a license for non-driver safety suspensions.

Labor, Maryland Department of

Proposed Regulation

DLS Control No. 20-077

Maryland Department of Labor:

Division of Labor and Industry:

Maryland Occupational Safety and Health Act – Incorporation by Reference of

Federal Standards: COMAR 09.12.31.J-1

According to the department, the purpose of this action is to adopt through incorporation by reference the federal standard 29 CFR 1910.1024 Beryllium, as amended. This rule was issued to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium and beryllium compounds in general industry. This rule establishes a new, lower permissible exposure limit (PEL) for beryllium of 0.2 µg/m³, averaged over 8-hours and a new short-term exposure limit for beryllium of 2.0 µg/m³, over a 15-minute sampling period. This rule also requires employers to use engineering and work practice controls (such as ventilation or enclosure) to limit worker exposure to beryllium; provide respirators when controls cannot adequately limit exposure; limit worker access to high-exposure areas; develop a written exposure control plan; and train workers on beryllium hazards. Finally, this rule requires employers to make available medical exams to monitor exposed workers and provides medical removal protection to workers identified with a beryllium-related disease. These updated requirements will apply to employers whose workers are exposed to beryllium through operations such as beryllium metal and ceramic production, non-ferrous foundries, and fabrication of beryllium alloy products.

Higher Education Commission, Maryland

Proposed Regulations

DLS Control No. 20-066

Maryland Higher Education Commission:

General Education and Transfer:

Public Institutions of Higher Education: COMAR 13B.06.01.02, .02-1, .04, and .08

According to the commission, the purpose of this action is to add a definition for “first-time student with advanced standing” under COMAR 13B.06.01 and incorporate the newly defined term in regulations relating to admissions and acceptance of transferred course credit.

Institute for Emergency Medical Services Systems, Maryland

Proposed Regulation

DLS Control No. 20-067

Maryland Institute for Emergency Medical Services Systems:

General:

Documents Incorporated by Reference: COMAR 30.01.02.01

According to the institute, the purpose of this action is to incorporate by reference the current Maryland Medical Protocols for Emergency Medical Services and the current Maryland State Trauma Registry Data Dictionary for Burn Patients.

Public Service Commission

Proposed Regulations

DLS Control No. 20-069

Public Service Commission:

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines:

General: COMAR 20.79.01.00, .01, .02, .04, and .05-.08

According to the commission, the purpose of this action is to revise the Code of Maryland Regulations governing applications for a Certificate of Public Convenience and Necessity (CPCN) to include certain notice and application requirements, including the establishment of a new pre-application process and pre-application requirements, for the construction of certain fossil-fueled generating stations.

Proposed Regulation

DLS Control No. 20-070

Public Service Commission:

Applications Concerning the Construction or Modification of Generating Stations and Overhead Transmission of Lines:

Administrative Provisions: COMAR 20.79.02.02

According to the commission, the purpose of this action is to amend the Code of Maryland Regulations governing the notification and distribution of an application for a Certificate of Public Convenience and Necessity (CPCN). The proposed revisions seek to clarify the recipients of a CPCN application and to require a CPCN applicant to provide written notification and post signage of the filing of a CPCN application for the construction of certain fossil fuel-fired generating stations.

Proposed Regulations

DLS Control No. 20-071

Public Service Commission:

**Applications Concerning the Construction or Modification of Generating Stations
and Overhead Transmission of Lines:**

Details of Filing Requirements Generating Stations: COMAR 20.79.03.03 and .04

According to the commission, the purpose of this action is to amend the Code of Maryland Regulations governing the filing requirements for an application for a Certificate of Public Convenience and Necessity (CPCN), for a qualifying fossil fuel generating station that is greater than 70 megawatts (MW) in nameplate capacity.